

UNITED STATES BANKRUPTCY COURT

DISTRICT OF PUERTO RICO

MARINA OLDCO,)	Docket No. 12-10295-ESL11
)	Chapter 11
Debtor.)	
)	Old San Juan, Puerto Rico
)	March 27, 2015
- - - - -x		
PDR ACQUISITION, LLC,)	
Plaintiff,)	Docket No. 14-00027-ESL
)	
-against-)	
)	
SHELLEY, ET AL.,)	
Defendants.)	
- - - - -x		

STATUS CONFERENCE

BEFORE THE HONORABLE ENRIQUE S. LAMOUTTE INCLAN

UNITED STATES BANKRUPTCY JUDGE.

APPEARANCES:

For PDR Acquisition LLC:	ROBERTO ABESADA AGUET, ESQ.
	JUAN A. CUYAR COBB, ESQ.
For the Defendants:	IRIS J. CABRERA-GOMEZ, ESQ.
For the Debtor:	CHARLES ALFRED CUPRILL, ESQ.

PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING.

TRANSCRIPT PRODUCED BY TRANSCRIPTION SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

RULINGS:	PAGE
Upon agreement of the parties, the	4
adversary proceeding is dismissed with	
prejudice.	

1 Old San Juan, Puerto Rico

2 March 27, 2015

3 At or about 10:55 AM

4 * * *

5 MS. CABRERA: For the record, Iris J. Cabrera for
6 defendants.

7 MR. ABESADA: Roberto Abesada Aguet, together with
8 Juan Cuyar on behalf of plaintiff.

9 MR. CUPRILL: Charles Cuprill, representing the
10 debtor.

11 MR. ABESADA: Roberto Abesada, on behalf of the
12 plaintiff.

13 Judge Lamoutte, we had the opportunity, in the
14 recess, to discuss the questions Your Honor had with the
15 client. And after reexamining the adversary proceeding, the
16 complaint, and noticing that the allegations and the claim for
17 relief are limited to injunctive relief regarding the property
18 that was going to be auctioned in state court, and taking
19 consideration the offer made by defendants to waive costs and
20 attorney fees, our client accepted that a stipulation for
21 voluntary dismissal with prejudice be filed, or be accepted
22 today without costs or attorneys' fees. So that's the
23 decision made after confirming with the client.

24 THE COURT: Well, let me indicate to you what my
25 minutes would reflect and you tell me if that is your

1 agreement. And I would -- the minutes will state upon the
2 agreement of the parties the adversary proceeding is hereby
3 dismissed with prejudice. Judgment shall be entered.

4 Is there any objection as to that language?

5 MR. ABESADA: I believe that Your Honor would have to
6 include the --

7 MS. CABRERA: Without imposition of costs and
8 expenses.

9 THE COURT: No, no. Upon the agreement of the
10 parties, and then I will ask for a transcript of this part of
11 the hearing. So you tell me. There is no imposition of
12 sanctions.

13 MS. CABRERA: Yes, that is the consent you have from
14 defendants.

15 MR. ABESADA: That's what I was going to say, just
16 to --

17 THE COURT: Okay.

18 MR. ABESADA: -- put at the end without inclusion of
19 cost or attorney fees.

20 MS. CABRERA: Is it a dismissal of the adversary
21 proceeding?

22 THE COURT: Excuse me?

23 MS. CABRERA: It's a dismissal of the adversary
24 proceeding in its totality.

25 THE COURT: The adversary proceeding -- totally.

1 MR. ABESADA: Yeah, I --

2 THE COURT: There's no partial judgement. There's --

3 MR. ABESADA: The only --

4 THE COURT: Judgement will be entered dismissing with
5 prejudice --

6 MR. ABESADA: Yes.

7 THE COURT: -- the adversary proceeding. And I'm
8 going to also indicate that the Court would enter a final
9 decree in the bankruptcy petition because this is the only
10 matter pending in the case.

11 MR. CUPRILL: That is correct to enter the final
12 decree, Your Honor. I have agreed with Mr. Cuyar that in
13 reference to one of the issues, or the side issue that I raise
14 in the last obligation for the entry of the final decree which
15 had to do with expungement of some payers of the contracts
16 that were to be assumed under the provisions of the plan.

17 Your Honor, I have agreed that the debtor is going to
18 be provided by the purchaser with a side letter along the
19 lines that those contracts that I'm pointing out which were
20 not part of those to be assumed would be considered not
21 included in the assumed contracts and that upon obtention of
22 that letter that I would --

23 THE COURT: Well, that goes beyond this adversary
24 proceeding.

25 MR. CUPRILL: No, I'm talking about the main case.

1 THE COURT: Okay.

2 MR. CUPRILL: I'm talking about the main case and to
3 the issue of the issuance of the final decree and that upon
4 receipt of that letter, I would file an amended application
5 for the entry of the final decree, not including what I'm
6 saying, which is part of the application that I have right
7 now.

8 THE COURT: So can I say that the debtor shall file
9 amended application for the entry of final decree within --
10 how many days are you going to do it?

11 MR. CUYAR: Fourteen days, Your Honor.

12 MR. ABESADA: Fourteen days.

13 MR. CUYAR: Because I, Juan Cuyar for the purchaser,
14 Your Honor.

15 Perhaps, just to summarize and to make it easier for
16 the Court. The parties have agreed that the debtor will file
17 an amended application for final decree within fourteen days
18 and whatever (indiscernible) agreements we have already
19 reached, we will have resolved by such date.

20 MR. CUPRILL: Yes, but I don't want to prolong the
21 issue.

22 MR. CUYAR: No.

23 MR. CUPRILL: Upon the receipt of the letter that we
24 agree --

25 MR. CUYAR: Sure. Of course. We don't --

1 MR. CUPRILL: -- I will file the application.

2 THE COURT: My minutes will only reflect --

3 (At 11:00 AM, proceedings concluded.)

4 * * *

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 U.S. BANKRUPTCY COURT)
2 DISTRICT OF PUERTO RICO)

3
4 I certify that this transcript consisting of 7 pages
5 is a true and accurate transcription to the best of my ability
6 of the audio proceeding in this case before the Honorable
7 Enrique S. Lamoutte Inclan on March 27, 2015, as recorded by
8 the Courtroom Deputy.

9 Audio proceedings were recorded and were provided to
10 this reporter by the U.S. Bankruptcy Court, and this certified
11 reporter accepts no responsibility for any events that
12 occurred during the above proceedings, for any inaudible
13 and/or indiscernible responses by any person or party involved
14 in the proceeding or for the content of the audio recording
15 provided.

16 
17

18
19 _____
20 Gina Gattone
21 Official Court Transcriber, CET**D-769
22 eScribers
23 700 West 192nd Street
24 Suite #607
25 New York, NY 10040